



General Assembly

Substitute Bill No. 1199

January Session, 2011

* ____SB01199HS____032311____ *

**AN ACT CONCERNING THE DEPARTMENT OF CHILDREN AND
FAMILIES' DIFFERENTIAL RESPONSE AND POVERTY EXEMPTION.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 17a-101g of the general statutes is repealed and
2 the following is substituted in lieu thereof (*Effective July 1, 2011*):

3 (a) Upon receiving a report of child abuse or neglect, as provided in
4 sections 17a-101a to 17a-101c, inclusive, or section 17a-103, in which
5 the alleged perpetrator is (1) a person responsible for such child's
6 health, welfare or care, (2) a person given access to such child by such
7 responsible person, or (3) a person entrusted with the care of a child,
8 the Commissioner of Children and Families, or the commissioner's
9 designee, shall cause the report to be classified and evaluated
10 immediately. If the report contains sufficient information to warrant an
11 investigation, the commissioner shall make the commissioner's best
12 efforts to commence an investigation of a report concerning an
13 imminent risk of physical harm to a child or other emergency within
14 two hours of receipt of the report and shall commence an investigation
15 of all other reports within seventy-two hours of receipt of the report. A
16 report classified as lower risk may be referred for family assessment
17 and services pursuant to subsection (g) of this section. Any such report
18 may thereafter be referred for standard child protective services if
19 safety concerns for the child become evident. A report referred for

20 standard child protective services may be referred for family
21 assessment and services at any time if the department determines there
22 is a lower risk to the child. The department shall complete any such
23 investigation not later than forty-five calendar days after the date of
24 receipt of the report. If the report is a report of child abuse or neglect in
25 which the alleged perpetrator is not a person specified in subdivision
26 (1), (2) or (3) of this subsection, the Commissioner of Children and
27 Families shall refer the report to the appropriate local law enforcement
28 authority for the town in which the child resides or in which the
29 alleged abuse or neglect occurred.

30 (b) The investigation shall include a home visit at which the child
31 and any siblings are observed, if appropriate, a determination of the
32 nature, extent and cause or causes of the reported abuse or neglect, a
33 determination of the person or persons suspected to be responsible for
34 such abuse or neglect, the name, age and condition of other children
35 residing in the same household and an evaluation of the parents and
36 the home. The report of such investigation shall be in writing. The
37 investigation shall also include, but not be limited to, a review of
38 criminal conviction information concerning the person or persons
39 alleged to be responsible for such abuse or neglect and previous
40 allegations of abuse or neglect relating to the child or other children
41 residing in the household or relating to family violence. After an
42 investigation into a report of abuse or neglect has been completed, the
43 commissioner shall determine, based upon a standard of reasonable
44 cause, whether a child has been abused or neglected, as defined in
45 section 46b-120, as amended by this act. If the commissioner
46 determines that abuse or neglect has occurred, the commissioner shall
47 also determine whether: (1) There is an identifiable person responsible
48 for such abuse or neglect; and (2) such identifiable person poses a risk
49 to the health, safety or well-being of children and should be
50 recommended by the commissioner for placement on the child abuse
51 and neglect registry established pursuant to section 17a-101k. If the
52 commissioner has made the determinations in subdivisions (1) and (2)
53 of this subsection, the commissioner shall issue notice of a

54 recommended finding to the person suspected to be responsible for
55 such abuse or neglect in accordance with section 17a-101k.

56 (c) Except as provided in subsection (d) of this section, no entry of
57 the recommended finding shall be made on the child abuse or neglect
58 registry and no information concerning the finding shall be disclosed
59 by the commissioner pursuant to a check of the child abuse or neglect
60 registry or request for information by a public or private entity for
61 employment, licensure, or reimbursement for child care purposes
62 pursuant to programs administered by the Department of Social
63 Services or pursuant to any other general statute that requires a check
64 of the child abuse or neglect registry until the exhaustion or waiver of
65 all administrative appeals available to the person suspected to be
66 responsible for the abuse or neglect, as provided in section 17a-101k.

67 (d) If the child abuse or neglect resulted in or involves (1) the death
68 of a child; (2) the risk of serious physical injury or emotional harm of a
69 child; (3) the serious physical harm of a child; (4) the arrest of a person
70 due to abuse or neglect of a child; (5) a petition filed by the
71 commissioner pursuant to section 17a-112 or 46b-129; or (6) sexual
72 abuse of a child, entry of the recommended finding may be made on
73 the child abuse or neglect registry and information concerning the
74 finding may be disclosed by the commissioner pursuant to a check of
75 the child abuse or neglect registry or request for information by a
76 public or private entity for employment, licensure, or reimbursement
77 for child care purposes pursuant to programs administered by the
78 Department of Social Services or pursuant to any other general statute
79 that requires a check of the child abuse or neglect registry, prior to the
80 exhaustion or waiver of all administrative appeals available to the
81 person suspected to be responsible for the abuse or neglect as provided
82 in section 17a-101k.

83 (e) If the Commissioner of Children and Families, or the
84 commissioner's designee, has probable cause to believe that the child
85 or any other child in the household is in imminent risk of physical
86 harm from the child's surroundings and that immediate removal from

87 such surroundings is necessary to ensure the child's safety, the
88 commissioner, or the commissioner's designee, shall authorize any
89 employee of the department or any law enforcement officer to remove
90 the child and any other child similarly situated from such
91 surroundings without the consent of the child's parent or guardian.
92 The commissioner shall record in writing the reasons for such removal
93 and include such record with the report of the investigation conducted
94 under subsection (b) of this section.

95 (f) The removal of a child pursuant to subsection (e) of this section
96 shall not exceed ninety-six hours. During the period of such removal,
97 the commissioner, or the commissioner's designee, shall provide the
98 child with all necessary care, including medical care, which may
99 include an examination by a physician or mental health professional
100 with or without the consent of the child's parents, guardian or other
101 person responsible for the child's care, provided reasonable attempts
102 have been made to obtain consent of the child's parents or guardian or
103 other person responsible for the care of such child. During the course
104 of a medical examination, a physician may perform diagnostic tests
105 and procedures necessary for the detection of child abuse or neglect. If
106 the child is not returned home within such ninety-six-hour period,
107 with or without protective services, the department shall proceed in
108 accordance with section 46b-129.

109 (g) (1) Notwithstanding the provisions of subsections (a) to (f),
110 inclusive, of this section, the commissioner may establish a program of
111 differential response to reports of child abuse and neglect whereby the
112 report may be referred to appropriate community providers for family
113 assessment and services without an investigation or at any time during
114 an investigation, provided there has been an initial safety assessment
115 of the circumstances of a family and child and criminal background
116 checks have been performed on all adults involved in the report.

117 (2) The commissioner may adopt regulations in accordance with the
118 provisions of chapter 54 to establish a method for the department to
119 monitor the progress of the child and family referred to a community

120 provider pursuant to subdivision (1) of this subsection and to set
121 standards for reopening an investigation pursuant to this section.

122 (3) Consistent with the provisions of section 17a-28, the department
123 shall disclose all relevant information in its possession concerning the
124 child and family, including prior child protection activity, to each
125 provider to whom a report has been referred for use by the provider in
126 the assessment, diagnosis and treatment of unique needs of the family
127 and the prevention of future reports. Each provider who has received a
128 report of child abuse or neglect referred pursuant to this subsection
129 shall disclose to the department, consistent with the provisions of
130 section 17a-28, all relevant information gathered during assessment,
131 diagnosis and treatment of the child and family. The department may
132 use such information solely to monitor and ensure the continued safety
133 and well-being of the child or children.

134 Sec. 2. Section 46b-120 of the general statutes is repealed and the
135 following is substituted in lieu thereof (*Effective July 1, 2011*):

136 The terms used in this chapter shall, in its interpretation and in the
137 interpretation of other statutes, be defined as follows:

138 (1) "Child" means any person under eighteen years of age who has
139 not been legally emancipated, except that (A) for purposes of
140 delinquency matters and proceedings, "child" means any person (i)
141 under seventeen years of age who has not been legally emancipated, or
142 (ii) seventeen years of age or older who, prior to attaining seventeen
143 years of age, has committed a delinquent act or, subsequent to
144 attaining seventeen years of age, (I) violates any order of the Superior
145 Court or any condition of probation ordered by the Superior Court
146 with respect to a delinquency proceeding, or (II) wilfully fails to
147 appear in response to a summons under section 46b-133 or at any other
148 court hearing in a delinquency proceeding of which the child had
149 notice, and (B) for purposes of family with service needs matters and
150 proceedings, child means a person under seventeen years of age;

151 (2) (A) "Youth" means any person sixteen or seventeen years of age

152 who has not been legally emancipated, and (B) "youth in crisis" means
153 any person seventeen years of age who has not been legally
154 emancipated and who, within the last two years, (i) has without just
155 cause run away from the parental home or other properly authorized
156 and lawful place of abode, (ii) is beyond the control of the youth's
157 parents, guardian or other custodian, or (iii) has four unexcused
158 absences from school in any one month or ten unexcused absences in
159 any school year;

160 (3) "Abused" means that a child or youth (A) has been inflicted with
161 physical injury or injuries other than by accidental means, (B) has
162 injuries that are at variance with the history given of them, or (C) is in
163 a condition that is the result of maltreatment, including, but not
164 limited to, malnutrition, sexual molestation or exploitation,
165 deprivation of necessities, emotional maltreatment or cruel
166 punishment;

167 (4) A child may be found "mentally deficient" who, by reason of a
168 deficiency of intelligence that has existed from birth or from early age,
169 requires, or will require, for such child's protection or for the
170 protection of others, special care, supervision and control;

171 (5) (A) A child may be convicted as "delinquent" who has, while
172 under sixteen years of age, (i) violated any federal or state law, except
173 section 53a-172 or 53a-173, or violated a municipal or local ordinance,
174 except an ordinance regulating behavior of a child in a family with
175 service needs, (ii) wilfully failed to appear in response to a summons
176 under section 46b-133 or at any other court hearing in a delinquency
177 proceeding of which the child had notice, (iii) violated any order of the
178 Superior Court in a delinquency proceeding, except as provided in
179 section 46b-148, or (iv) violated conditions of probation in a
180 delinquency proceeding as ordered by the court;

181 (B) A child may be convicted as "delinquent" who has (i) while
182 sixteen years of age, violated any federal or state law, other than (I) an
183 infraction, (II) a violation, (III) a motor vehicle offense or violation

184 under title 14, (IV) a violation of a municipal or local ordinance, or (V)
185 a violation of section 51-164r, 53a-172 or 53a-173, (ii) while sixteen
186 years of age or older wilfully failed to appear in response to a
187 summons under section 46b-133 or at any other court hearing in a
188 delinquency proceeding of which the child had notice, (iii) while
189 sixteen years of age or older, violated any order of the Superior Court
190 in a delinquency proceeding, except as provided in section 46b-148, or
191 (iv) while sixteen years of age or older, violated conditions of
192 probation in a delinquency proceeding as ordered by the court;

193 [(6) A child or youth may be found "dependent" whose home is a
194 suitable one for the child or youth, except for the financial inability of
195 the child's or youth's parents, parent or guardian, or other person
196 maintaining such home, to provide the specialized care the condition
197 of the child or youth requires;]

198 [(7)] (6) "Family with service needs" means a family that includes a
199 child under seventeen years of age who (A) has without just cause run
200 away from the parental home or other properly authorized and lawful
201 place of abode, (B) is beyond the control of the child's or youth's
202 parent, parents, guardian or other custodian, (C) has engaged in
203 indecent or immoral conduct, (D) is a truant or habitual truant or who,
204 while in school, has been continuously and overtly defiant of school
205 rules and regulations, or (E) is thirteen years of age or older and has
206 engaged in sexual intercourse with another person and such other
207 person is thirteen years of age or older and not more than two years
208 older or younger than such child or youth;

209 [(8)] (7) A child or youth may be found "neglected" who, for reasons
210 other than being impoverished, (A) has been abandoned, (B) is being
211 denied proper care and attention, physically, educationally,
212 emotionally or morally, or (C) is being permitted to live under
213 conditions, circumstances or associations injurious to the well-being of
214 the child or youth; [, or (D) has been abused;]

215 [(9)] (8) A child or youth may be found "uncared for" who is

216 homeless or whose home cannot provide the specialized care that the
217 physical, emotional or mental condition of the child or youth requires.
218 For the purposes of this section, the treatment of any child or youth by
219 an accredited Christian Science practitioner, in lieu of treatment by a
220 licensed practitioner of the healing arts, shall not of itself constitute
221 neglect or maltreatment;

222 [(10)] (9) "Delinquent act" means (A) the violation by a child under
223 the age of sixteen of any federal or state law, except the violation of
224 section 53a-172 or 53a-173, or the violation of a municipal or local
225 ordinance, except an ordinance regulating behavior of a child in a
226 family with service needs, (B) the violation by a child sixteen years of
227 age of any federal or state law, other than (i) an infraction, (ii) a
228 violation, (iii) a motor vehicle offense or violation under title 14, (iv)
229 the violation of a municipal or local ordinance, or (v) the violation of
230 section 51-164r, 53a-172 or 53a-173, (C) the wilful failure of a child,
231 including a child who has attained the age of seventeen or older, to
232 appear in response to a summons under section 46b-133 or at any other
233 court hearing in a delinquency proceeding of which the child has
234 notice, (D) the violation of any order of the Superior Court in a
235 delinquency proceeding by a child, including a child who has attained
236 the age of seventeen or older, except as provided in section 46b-148, or
237 (E) the violation of conditions of probation in a delinquency
238 proceeding by a child, including a child who has attained the age of
239 seventeen or older, as ordered by the court;

240 [(11)] (10) "Serious juvenile offense" means (A) the violation of,
241 including attempt or conspiracy to violate, section 21a-277, 21a-278,
242 29-33, 29-34, 29-35, subdivision (2) or (3) of subsection (a) of section
243 53-21, 53-80a, 53-202b, 53-202c, 53-390 to 53-392, inclusive, 53a-54a to
244 53a-57, inclusive, 53a-59 to 53a-60c, inclusive, 53a-70 to 53a-71,
245 inclusive, 53a-72b, 53a-86, 53a-92 to 53a-94a, inclusive, 53a-95, 53a-101,
246 53a-102a, 53a-103a or 53a-111 to 53a-113, inclusive, subdivision (1) of
247 subsection (a) of section 53a-122, subdivision (3) of subsection (a) of
248 section 53a-123, section 53a-134, 53a-135, 53a-136a or 53a-167c,
249 subsection (a) of section 53a-174, or section 53a-196a, 53a-211, 53a-212,

250 53a-216 or 53a-217b, or (B) running away, without just cause, from any
251 secure placement other than home while referred as a delinquent child
252 to the Court Support Services Division or committed as a delinquent
253 child to the Commissioner of Children and Families for a serious
254 juvenile offense;

255 [(12)] (11) "Serious juvenile offender" means any child convicted as
256 delinquent for the commission of a serious juvenile offense;

257 [(13)] (12) "Serious juvenile repeat offender" means any child
258 charged with the commission of any felony if such child has
259 previously been convicted as delinquent or otherwise convicted at any
260 age for two violations of any provision of title 21a, 29, 53 or 53a that is
261 designated as a felony;

262 [(14)] (13) "Alcohol-dependent" means a psychoactive substance
263 dependence on alcohol as that condition is defined in the most recent
264 edition of the American Psychiatric Association's "Diagnostic and
265 Statistical Manual of Mental Disorders"; and

266 [(15)] (14) "Drug-dependent" means a psychoactive substance
267 dependence on drugs as that condition is defined in the most recent
268 edition of the American Psychiatric Association's "Diagnostic and
269 Statistical Manual of Mental Disorders". No child shall be classified as
270 drug-dependent who is dependent (A) upon a morphine-type
271 substance as an incident to current medical treatment of a
272 demonstrable physical disorder other than drug dependence, or (B)
273 upon amphetamine-type, ataractic, barbiturate-type, hallucinogenic or
274 other stimulant and depressant substances as an incident to current
275 medical treatment of a demonstrable physical or psychological
276 disorder, or both, other than drug dependence.

277 Sec. 3. Section 46b-120 of the general statutes, as amended by section
278 82 of public act 09-7 of the September special session, is repealed and
279 the following is substituted in lieu thereof (*Effective July 1, 2012*):

280 The terms used in this chapter shall, in its interpretation and in the

281 interpretation of other statutes, be defined as follows:

282 (1) "Child" means any person under sixteen years of age, except that
283 (A) for purposes of delinquency matters and proceedings, "child"
284 means any person (i) under eighteen years of age who has not been
285 legally emancipated, or (ii) eighteen years of age or older who, prior to
286 attaining eighteen years of age, has committed a delinquent act and,
287 subsequent to attaining eighteen years of age, (I) violates any order of
288 the Superior Court or any condition of probation ordered by the
289 Superior Court with respect to such delinquency proceeding, or (II)
290 wilfully fails to appear in response to a summons under section 46b-
291 133 with respect to such delinquency proceeding, and (B) for purposes
292 of family with service needs matters and proceedings, child means a
293 person under eighteen years of age;

294 (2) "Youth" means any person sixteen or seventeen years of age who
295 has not been legally emancipated;

296 (3) "Abused" means that a child or youth (A) has been inflicted with
297 physical injury or injuries other than by accidental means, (B) has
298 injuries that are at variance with the history given of them, or (C) is in
299 a condition that is the result of maltreatment, including, but not
300 limited to, malnutrition, sexual molestation or exploitation,
301 deprivation of necessities, emotional maltreatment or cruel
302 punishment;

303 (4) A child may be found "mentally deficient" who, by reason of a
304 deficiency of intelligence that has existed from birth or from early age,
305 requires, or will require, for such child's protection or for the
306 protection of others, special care, supervision and control;

307 (5) (A) A child may be convicted as "delinquent" who has (i) while
308 under sixteen years of age, violated any federal or state law or
309 municipal or local ordinance, except an ordinance regulating behavior
310 of a child in a family with service needs, (ii) wilfully failed to appear in
311 response to a summons under section 46b-133 or at any other court
312 hearing of which the child had notice, (iii) violated any order of the

313 Superior Court, except as provided in section 46b-148, or (iv) violated
314 conditions of probation as ordered by the court;

315 (B) A child may be convicted as "delinquent" who has (i) while
316 sixteen or seventeen years of age, violated any federal or state law,
317 other than (I) an infraction, (II) a violation, (III) a motor vehicle offense
318 or violation as defined in chapter 248, or (IV) a violation of a municipal
319 or local ordinance, (ii) wilfully failed to appear in response to a
320 summons under section 46b-133 or at any other court hearing of which
321 the child had notice, (iii) violated any order of the Superior Court,
322 except as provided in section 46b-148, or (iv) violated conditions of
323 probation as ordered by the court;

324 [(6) A child or youth may be found "dependent" whose home is a
325 suitable one for the child or youth, except for the financial inability of
326 the child's or youth's parents, parent or guardian, or other person
327 maintaining such home, to provide the specialized care the condition
328 of the child or youth requires;]

329 [(7)] (6) "Family with service needs" means a family that includes a
330 child or a youth who (A) has without just cause run away from the
331 parental home or other properly authorized and lawful place of abode,
332 (B) is beyond the control of the child's or youth's parent, parents,
333 guardian or other custodian, (C) has engaged in indecent or immoral
334 conduct, (D) is a truant or habitual truant or who, while in school, has
335 been continuously and overtly defiant of school rules and regulations,
336 or (E) is thirteen years of age or older and has engaged in sexual
337 intercourse with another person and such other person is thirteen
338 years of age or older and not more than two years older or younger
339 than such child or youth;

340 [(8)] (7) A child or youth may be found "neglected" who, for reasons
341 other than being impoverished, (A) has been abandoned, (B) is being
342 denied proper care and attention, physically, educationally,
343 emotionally or morally, or (C) is being permitted to live under
344 conditions, circumstances or associations injurious to the well-being of

345 the child or youth; [, or (D) has been abused;]

346 [(9)] (8) A child or youth may be found "uncared for" who is
347 homeless or whose home cannot provide the specialized care that the
348 physical, emotional or mental condition of the child or youth requires.
349 For the purposes of this section, the treatment of any child or youth by
350 an accredited Christian Science practitioner, in lieu of treatment by a
351 licensed practitioner of the healing arts, shall not of itself constitute
352 neglect or maltreatment;

353 [(10)] (9) "Delinquent act" means (A) the violation by a child under
354 the age of sixteen of any federal or state law or municipal or local
355 ordinance, except an ordinance regulating behavior of a child in a
356 family with service needs, (B) the violation by a child sixteen or
357 seventeen years of age of any federal or state law, other than (i) an
358 infraction, (ii) a violation, (iii) a motor vehicle offense or violation
359 under chapter 248, or (iv) a violation of a municipal or local ordinance,
360 (C) wilful failure of a child to appear in response to a summons under
361 section 46b-133 or at any other court hearing of which the child has
362 notice, (D) the violation of any order of the Superior Court by a child,
363 except as provided in section 46b-148, or (E) the violation of conditions
364 of probation by a child as ordered by the court;

365 [(11)] (10) "Serious juvenile offense" means (A) the violation of,
366 including attempt or conspiracy to violate, (i) section 21a-277, 21a-278,
367 29-33, 29-34, 29-35, 53-21, 53-80a, 53-202b, 53-202c, 53-390 to 53-392,
368 inclusive, 53a-54a to 53a-56a, inclusive, 53a-59 to 53a-60c, inclusive,
369 53a-70 to 53a-71, inclusive, 53a-72b, 53a-86, 53a-92 to 53a-94a, inclusive,
370 53a-95, 53a-101, 53a-102a, 53a-103a or 53a-111 to 53a-113, inclusive,
371 subdivision (1) of subsection (a) of section 53a-122, subdivision (3) of
372 subsection (a) of section 53a-123, section 53a-134, 53a-135, 53a-136a,
373 53a-166 or 53a-167c, subsection (a) of section 53a-174, or section
374 53a-196a, 53a-211, 53a-212, 53a-216 or 53a-217b, by a child, or (ii)
375 section 53a-56b or 53a-57 by a child under sixteen years of age, or (B)
376 running away, without just cause, from any secure placement other
377 than home while referred as a delinquent child to the Court Support

378 Services Division or committed as a delinquent child to the
379 Commissioner of Children and Families for a serious juvenile offense;

380 [(12)] (11) "Serious juvenile offender" means any child convicted as
381 delinquent for the commission of a serious juvenile offense;

382 [(13)] (12) "Serious juvenile repeat offender" means any child
383 charged with the commission of any felony if such child has
384 previously been convicted as delinquent or otherwise convicted at any
385 age for two violations of any provision of title 21a, 29, 53 or 53a that is
386 designated as a felony;

387 [(14)] (13) "Alcohol-dependent" means a psychoactive substance
388 dependence on alcohol as that condition is defined in the most recent
389 edition of the American Psychiatric Association's "Diagnostic and
390 Statistical Manual of Mental Disorders"; and

391 [(15)] (14) "Drug-dependent" means a psychoactive substance
392 dependence on drugs as that condition is defined in the most recent
393 edition of the American Psychiatric Association's "Diagnostic and
394 Statistical Manual of Mental Disorders". No child shall be classified as
395 drug-dependent who is dependent (A) upon a morphine-type
396 substance as an incident to current medical treatment of a
397 demonstrable physical disorder other than drug dependence, or (B)
398 upon amphetamine-type, ataractic, barbiturate-type, hallucinogenic or
399 other stimulant and depressant substances as an incident to current
400 medical treatment of a demonstrable physical or psychological
401 disorder, or both, other than drug dependence.

This act shall take effect as follows and shall amend the following sections:

Section 1	July 1, 2011	17a-101g
Sec. 2	July 1, 2011	46b-120
Sec. 3	July 1, 2012	46b-120

HS *Joint Favorable Subst.*